

Appln. No.: 09/992,869
Amendment Dated June 23, 2006
Reply to Office Action of December 28, 2005

NSG-205US

Remarks/Arguments:

Claims 1-30 are pending in the above-identified application. In the Office Action dated December 28, 2005, claims 1-11 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Koshimizu and Nagata et al.; claims 9 and 10 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Koshimizu and Ishikawa; and claim 11 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Koshimizu and Yamamoto.

These grounds for rejection are respectfully traversed because Koshimizu is not a proper prior art reference against the subject application. The earliest date that can be relied upon for Koshimizu as a prior art reference is its filing date in the U.S., April 12, 2001, pursuant to 35 U.S.C. § 102(e). The subject application, however, claims priority from Japanese patent application nos. 2001-006176, filed January 15, 2001, and 2000-347755, filed November 15, 2000. Both of these dates predate the April 12, 2001 filing date of the Koshimizu patent.

Pursuant to MPEP § 201.15, Applicants provide a verified translation of the two priority documents and the following description showing that the claims of the above-identified application are fully supported as required by 35 U.S.C. § 112 by these priority documents. As recited in MPEP § 201.15,

The foreign application may be considered in the same manner as if it had been filed in this country on the same date that it was filed in the foreign country, and the applicant is ordinarily entitled to any claims based on such foreign application that he or she would be entitled to under our laws and practice. The foreign application must be examined for the question of sufficiency of the disclosure under 35 U.S.C. 112, as well as to determine if there is a basis for the claims sought.

For the purpose of overcoming the rejections under 35 U.S.C. § 103(a), Applicants cite only to the verified translation of Japanese patent application no. 2001-006176 (hereinafter "the priority application"). Claims 1, 2 and 3 of the subject application are supported in the priority application at page 12, line 3 through page 13, line 22 of the priority document. Claim 4 is supported at page 14, line 1 through page 15, line 2 and in Figure 5. Claim 5 is supported at page 21, lines 23-26. Claim 6 is supported at page 19, line 13 through page 20, line 4. Claims 7 and 8 are supported at page 13, lines 5-19 and claim 9 is supported at page 13, line

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20 through page 14, line 6. Claim 10 is supported at page 16, lines 20-25. Claim 11 is supported at page 18, line 20 through page 21, line 22.

Because claims 1-11 are fully supported in the priority document, as required by 35 U.S.C. § 112, and because the priority document has an earlier filing date in Japan than the U.S. filing date of the Koshimizu patent, the Koshimizu patent is not a prior art reference against claims 1-11. Thus, claims 1-11 are not subject to rejection under 35 U.S.C. § 103(a) in view of Nagata and Koshimizu, claims 9 and 10 are not subject to rejection under 35 U.S.C. § 103(a) in view of Koshimizu and Ishikawa and claim 11 is not subject to rejection under 35 U.S.C. § 103(a) in view of Koshimizu and Yamamoto.

Applicants appreciate the statement in the Office Action that claims 12-30 are objected to only as being dependent on a rejected base claim. As described above, claim 2, from which claims 12-30 depend, is not subject to rejection under 35 U.S.C. § 103(a) in view of Koshimizu and Nagata because Koshimizu is not a prior art reference against claim 2. Accordingly, claims 12-30 are not subject to objection.

In view of the foregoing remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-11 and the objection to claims 12-30.

Respectfully submitted,


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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

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Patricia C. Boccella

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